

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

R. ANDREW KETNER and STEPHEN )  
BAKER, individually and on behalf of all )  
other similarly situated individuals, )  
   )  
   )  
Plaintiffs, )  
   )  
   )  
v.   )    1:14CV967  
   )  
   )  
BRANCH BANKING AND TRUST )  
COMPANY, )  
   )  
   )  
Defendant. )

**ORDER**

This action came on for hearing, on November 10, 2016, on the Joint Motion for Approval of Settlement and Attorneys' Fees and Costs filed by the parties to this action. (ECF No. 80.)

On April 27, 2016, this Court entered a Consent Order Stipulating to Conditional Certification and Court-Authorized Notice Pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). (ECF No. 60.) This Order incorporates by reference the definitions set forth in the Parties' Stipulation of Settlement and Release ("Settlement Agreement"), and all terms used herein shall have the same meaning as set forth in the Settlement Agreement.

The Court makes the following findings of fact and conclusions of law:

1. Plaintiffs have sent notice of this lawsuit to 635 putative class members pursuant to this Court's April 27, 2016 Order authorizing notice pursuant to FLSA. Of those 635 putative class members, 32 individuals have opted into this case.

2. The members comprising each of the classes, as described in the Court's Order dated April 27, 2016, are similarly situated and thus the Court will enter final certification of the classes under FLSA.

3. All terms set forth in the Settlement Agreement are fair, reasonable, and adequate and also represent a fair and reasonable resolution of a bona fide dispute between the parties.

4. Plaintiffs' counsel's request for attorneys' fees in the amount of Three Hundred and Sixty-two Thousand Dollars and Zero Cents (\$362,000.00) and costs in the amount of Twenty-five Thousand Dollars and Zero Cents (\$25,000.00) to Plaintiffs' counsel, to be paid out of the settlement funds, is fair and reasonable.

5. The awards to Named Plaintiffs Andrew Ketner and Stephen Baker in the amount of Three Thousand Dollars and Zero Cents (\$3,000.00) each for serving as class representatives, to be paid out of the settlement funds, are fair and reasonable.

6. Defendant's Unopposed Motions for Leave to File Confidential Settlement Materials Under Seal are denied for the reasons stated during the November 10, 2016 hearing. (ECF Nos. 82, 83.)

IT IS THEREFORE ORDERED that the parties' Joint Motion for Approval of Settlement and Attorneys' Fees and Costs (ECF No. 80) is GRANTED.

IT IS FURTHER ORDERED that Defendant's Unopposed Motions for Leave to File Confidential Settlement Materials Under Seal (ECF Nos. 82, 83.) are DENIED.

IT IS FURTHER ORDERED that this action is hereby DISMISSED.

This, the 10<sup>th</sup> day of November, 2016.

/s/ Loretta C. Biggs  
United States District Judge